IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 7777 of 2007(A)

PETITIONER:

LIJI VINCENT, THEKKEVEETTIL, NEAR
MUNICIPAL LIBRARY, RAIL ROAD, ALUVA,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.BABU KUMAR

RESPONDENTS:
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1. STATE OF KERALA, REP. BY ITS SECRETARY,
FINANCE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, ERNAKULAM.

BY G.P.SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.7777 of 2007

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Dated this the 14th day of March, 2007.

JUDGMENT

Petitioner aspires to become a stamp vendor. She requested the District Collector for grant of licence. By Ext.P1, her application for licence has been rejected by the Collector stating that the Government has directed by letter dated 5.2.2003 that no applications for fresh licence need be received and no fresh licence need be granted. Going by the provisions of the Kerala Manufacture and Sale of Stamp Rules, 1960, the authority to decide as to whether there are sufficient number of stamp vendors in a particular locality is the District Collector or any authority, which would have been brought in by amendment, as of now. It is on satisfaction of such condition that applications should be invited. A committee has to choose the competent persons for appointment as

stamp vendors. Therefore, there is a statutory duty on the District Collector to ensure that there are sufficient number of stamp vendors in a particular locality because it is the need of the public to have sufficient revenue stamps and other stamps which are required for daily transactions and also for use before courts and other authorities. That duty is a statutory duty of the District Collector and would not depend upon any directions of the Government. This is plainly because the legislature has, through the subordinate legislation, envisaged that the District Collector is the competent authority to decide the requirement and sufficiency of stamp vendors. Under such circumstances, this writ petition is allowed quashing the decision contained in Ext.P1 and directing that the second respondent District Collector will ascertain whether there are sufficient number of stamp vendors in the area in

question and as to whether there is need for making any further appointment and if such need is noticed, there shall be appropriate publications inviting applications in accordance with law.

Thottathil B.Radhakrishnan,
Judge.

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